

INDIANA  
STATE ETHICS COMMISSION

NOV 14 2019



FILED

Dr. Jennifer McCormick  
Superintendent of Public Instruction

DEPARTMENT OF EDUCATION

*Working Together for Student Success*

IC 4-2-6-11

**Post-employment waiver**

As the Appointing Authority of the Indiana Department of Education, I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Andrew Melin in his post-employment with the Central Indiana Educational Service Center (CIESC).

I understand that I must file and present this waiver to the State Ethics Commission at their next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission.

A. This waiver is provided pursuant to IC 4-2-6-11(g) and specifically waives the application of *(Please indicate the specific restriction in 42 IAC 1-5-14 (IC 4-2-6-11) you are waiving):*

- IC 4-2-6-11(b)(1): 365 day required "cooling off" period before serving as a lobbyist.
- IC 4-2-6-11(b)(2): 365 day required "cooling off" period before receiving compensation from an employer for whom the state employee or special state appointee was engaged in the negotiation or administration of a contract and was in a position to make a discretionary decision affecting the outcome of such negotiation or administration.
- IC 4-2-6-11(b)(3): 365 day required "cooling off" period before receiving compensation from an employer for which the former state employee or special state appointee made a directly applicable regulatory or licensing decision.
- IC 4-2-6-11(c): Particular matter restriction prohibiting the former state employee or special state appointee from representing or assisting a person in a particular matter involving the state if the former state officer, employee, or special state appointee personally and substantially participated in the matter as a state worker. *(Please provide a brief description of the specific particular matter(s) to which this waiver applies below):*

In Dr. Melin's current areas of responsibility, the CIESC has had an existing contractual relationship with the IDOE since 2016 in hosting three IDOE advisories: STEM, eLearning, and Computer Science. Each of these advisories consist of 12-20 educators from across Indiana who convene several times per year to provide input and feedback on IDOE initiatives. Involved educators are reimbursed for travel expenses and professional

development. The contract, negotiated prior to Dr. Melin's IDOE employment, and renewed annually, covers educator expenses with only approximately 5% received by CIESC for its administrative costs. Dr. Melin was also not involved in the renewal of the contract. Director of Workforce and Innovation Ben Carter is responsible for contract administration.

- B. IC 4-2-6-11(g)(2) requires that an agency's appointing authority, when authorizing a waiver of the application of the post-employment restrictions in IC 4-2-6-11(b)-(c), also include specific information supporting such authorization. Please provide the requested information in the following five (5) sections to fulfill this requirement.

1. Please explain whether the employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts:

As Chief Innovation Officer since February 4, 2019, Dr. Melin was responsible for overseeing four departments: Workforce and Innovation, Leadership and Innovation, Higher Education and Educator Preparation Programs, and Educator Licensing. In leading the four departments, his focus was on overseeing daily operations and establishing and leading key initiatives. He was not given substantial decision-making authority over IDOE policies or rules, but was responsible for approving non-CIESC contracts in his area of responsibility.

2. Please describe the nature of the duties to be performed by the employee for the prospective employer:

As Executive Director of the Central Indiana Education Service Center (CIESC), Dr. Melin will be responsible for leadership and management of a PK-12 educational organization with a mission to provide high-quality, innovative programs, and exceptional service to help member school districts improve student achievement and financial/operational effectiveness. Specific services provided to member districts include: professional development, online learning, absence management, media services, procurement, and workers' compensation insurance.

3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee:

Dr. Melin's prospective employment will not involve substantial contact with the Indiana Department of Education (IDOE). Other than the contractual relationship mentioned above which, again, was negotiated in 2016, has been renewed annually, and is administered by the Director of Workforce and Innovation, the only other existing relationship is the CIESC's Indiana Online service participates in the IDOE's Indiana Course Access Portal (iCAP) which serves as a catalog of online courses that provides options to help schools meet students' individual needs, expand learning opportunities, and diversify their curricula. This is a service available to all Indiana schools, and not exclusive to CIESC.

4. Please explain whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest:

PK-12 education is the foundation for quality communities and the State of Indiana as a whole. The CIESC is one of nine service centers in Indiana designed to provide quality academic and operational services to its member school districts. In many cases, educational service centers provide professional development and operational services districts either can't provide or can't afford on their own. The CIESC is a growing organization that is highly regarded by its 24 member school districts. Dr. Melin's employment as CIESC's executive director is definitively consistent with the public interest.

5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

As Executive Director of the CIESC, Dr. Melin has been approved by its board of directors to receive a two-year contract that includes a substantial and competitive annual compensation package. Therefore, a waiver denial would be a significant economic hardship on Dr. Melin and his family.

### C. Signatures

1. Appointing authority/state officer of agency

By signing below I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an employee or special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation.



Dr. Jennifer McCormick  
State Superintendent of Public Instruction

11.4.19  
Date

2. Ethics Officer of agency

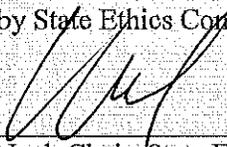
By signing below I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).



Andrew Bernlohr  
IDOE General Counsel, Ethics Officer

11/4/19  
Date

D. Approval by State Ethics Commission

<b>FOR OFFICE USE ONLY</b>	
Approved by State Ethics Commission	
	
Katherine Noel, Chair, State Ethics Commission	11-14-19 Date

Mail to:  
Office of Inspector General  
315 West Ohio Street, Room 104  
Indianapolis, IN 46202  
OR  
Email scanned copy to: [info@lg.in.gov](mailto:info@lg.in.gov)

*Upon receipt you will be contacted with details regarding the presentation of this waiver to the State Ethics Commission.*



DEPARTMENT OF EDUCATION

Dr. Jennifer McCormick  
Superintendent of Public Instruction

*Working Together for Student Success*

November 8, 2019

Katherine Noel, Chairman  
Indiana State Ethics Commission  
315 W Ohio Street, Room 104  
Indianapolis, IN 46202

Subject: Waiver of post-employment restriction for Dr. Andrew Melin

Dear Ms. Noel,

As the Superintendent of Public Instruction, I am writing to you to express my support and approval of the Indiana Department of Education's (IDOE) waiver of post-employment restrictions for Dr. Andrew Melin's proposed employment with the Central Indiana Education Service Center.

I regret that I am unable to appear in person to present the waiver. Unfortunately, I have scheduling conflicts involving previously scheduled meetings and travel. When I became aware of the scheduling conflicts, I asked IDOE's General Counsel, Andrew Bernlohr, to attend the Commission meeting on my behalf. I understand that I.C. 4-2-6-11(g) requires the state officer appointing authority authorizing the waiver to present it to the Commission, and I greatly appreciate your granting my request for this alternative arrangement in advance of the November 14 meeting.

I fully support and approve this waiver as Dr. Melin's future employment will provide a significant benefit to Hoosier children.

Thank you for your consideration of this matter.

Sincerely,

Dr. Jennifer McCormick  
Superintendent of Public Instruction

Cc: Indiana Office of Inspector General

